

REMARKS

Applicants have amended Claims 1 and 5, canceled Claims 3 and 4, and added Claims 38-52 and therefore, upon entry of this amendment, Claims 1, 2, and 5-52 are pending. Applicants respectfully request reconsideration and reexamination of the application.

Applicants have amended the specification, as indicated above, to correct typographical errors and to reinsert the incorporation by reference of US Patent No. 6,812,465, which was previously referenced as incorporated (as U.S. Patent Application No. 10/085,226) at the time of filing of the present application. Applicants submit that no new matter has been added.

Claims 4, 5, and 23 were objected to as being dependent upon a rejected base claim, but Examiner indicated that the claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have rewritten Claim 1 and added Claim 38 (based on Claim 1) to include the limitations of Claims 3 and 4 and Claims 3 and 5, respectively, as suggested by Examiner. Therefore, Applicants respectfully submit that Claims 1 and 38 are in proper form for allowance along with their corresponding dependent claims. Accordingly,

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the following remarks regarding distinctions over the prior art do not apply to the just-described claims.

Claim 3 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner cites "the plurality of switches" in lines 1 and 2 as lacking antecedent basis. Applicants have canceled Claim 3, and therefore, Applicants respectfully request that the rejection under 35 U.S.C. § 112, second paragraph, of Claim 3 be withdrawn.

Claims 1-3, 11, and 15-17 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,515,285 to Marshall et al. [herein referred to as "Marshall"]. Claim 1 is in proper form for allowance, as discussed above. Therefore, Applicants respectfully submit that Claim 1 patentably distinguishes over Marshall and that corresponding dependent claims are also distinguishable for at least the same reasons. Therefore, Applicants respectfully request that the rejection under 35 U.S.C. § 102(e) of Claims 1-3, 11, and 15-17 be withdrawn.

Claims 12-14 and 18 were rejected under 35 U.S.C. § 103(a) as being obvious over Marshall in view of U.S. Patent No. 5,811,808 to Cannata et al. [herein referred to as

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"Cannata"]. Claim 1 is in proper form for allowance, as discussed above. Therefore, Applicants respectfully submit that Claim 1 patentably distinguishes over Marshall in view of Cannata and that corresponding dependent Claims 12-14 and 18 are also distinguishable for at least the same reasons. Therefore, Applicants respectfully request that the rejection under 35 U.S.C. § 103(a) of Claims 12-14 and 18 be withdrawn.

Claims 6-10, 19-22, and 24-26 were rejected under 35 U.S.C. § 103(a) as being obvious over Marshall in view of U.S. Patent No. 6,812,465 to Parrish et al. [herein referred to as "Parrish"].

Applicants believe that Parrish should be considered as 102(e) prior art under the 103(a) rejection, as Parrish was published less than one year prior to the filing date of the present application (MPEP 2132.01). Therefore, Parrish can not be cited as 103(a) prior art due to common ownership (35 U.S.C. §103(c)). Specifically, the present application and U.S. Patent No. 6,812,465 to Parrish were, at the time the invention of the pending application was made, owned by Indigo Systems Corporation. Therefore, Applicants respectfully request that the rejection under 35 U.S.C. § 103(a) of Claims 6-10, 19-22, and 24-26 be withdrawn.

Accordingly, Applicants respectfully submit that Claims 1, 2, and 5-52 are in proper form for allowance.

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Reconsideration and withdrawal of the rejections are respectfully requested and a timely Notice of Allowance is solicited.

If there are any questions regarding any aspect of the application, please call the undersigned at (949) 752-7040.

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the Commissioner for Patents, Fax No. 571-273-8300, on the date stated below.

Tina Kgl December 9, 2005
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Respectfully submitted,

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